

REMARKS

Reconsideration of this application and allowance of the claims is respectfully requested.

New claim 32 is similar to claim 31, except that it carries the additional step of manual actuation of the gaming machine, as taught for example in the second and third paragraphs of page 3 of the specification. The advantage of an additional manual or physical actuation avoids the problem of the machine being accidentally actuated by a player who carries a non-contact activating card in accordance with this invention, but is just walking by the machine, or just inspecting it, as described in the specification. Accordingly, when the player chooses a machine, he or she presses a button, or deliberately brings the card very close to, but not in contact with, the machine, or the like, and the machine is activated, to read the card and initiate play as described herein and claimed.

Note that claim 3 adds a similar limitation to claim 31.

Please charge Deposit Account No. 19-1351 of Seyfarth for the extra claim filing fee.

The examiner has rejected all claims as obvious over the combination of Walker et al. U.S. Patent 6,110,041 in view of Raven et al. U.S. Patent 5,429,361, further in view of Orus et al. U.S. Patent Application Publication 2002/0047044 A1.

Turning first to claim 31 and its dependent claims, the examiner is urged to note in claim 31 that there are two claim elements (among others) as follows: "...causing wireless transfer of first individualized data concerning the player from the card to the gaming machine or to a computer network that is associated with said gaming machine . . ." and ". . . providing biometric sensing as separate, personal identification to the

gaming machine;...evaluating said biometric sensing;...activating said gaming machine for said subsequent play upon favorable evaluation of said data and said sensing...”.

The examiner is also urged to note that among the three cited references, only Orus et al. discloses the use of a non-contact card, and only in Walker et al. discloses the use of biometric data for identification of a player taught.

In view of this, those skilled in the art, having the references before them, would conclude that one would use either a non-contact card, or biometric data as an identification means of a gamer. There is no teaching in the references of the use of both a non-contact card and biometric data for identification of the gamer. In support of this, the examiner is requested to consider the teaching at column 6 of Walker et al. lines 47-61 (with portions deleted):

“Alternatively, machine 120 or device 360 may include one or more separate input buttons (not shown) for the players to select the options and provide other input such as a PIN... In other embodiments, slot machine 120 recognizes the identity of players through player identification devices other than player card tracking device 360, thereby eliminating the need for players to carry player identification cards. For example, slot machine 120 could include a keypad, in which players enter either their player identification numbers or their names along with a secured password. Slot machine 120 could also include a device for measuring player biometrics, (i.e., fingerprint, voice, or retinal detection) to identify players.” (emphasis added)

The examiner is urged to consider the fact that this disclosure in Walker et al. is clearly a disclosure of alternate techniques for player identification. They may be (1) input buttons to manually put in a PIN, (2) a key pad, or (3) a biometric system. There is no teaching of the use of the contactless card in one step of the method and a biometric scan and evaluation taken on the spot of the prospect player, as called for in this invention.

As described in the specification, great convenience is provided by this method.

The required data for play is provided in the non-contact card, the non-contact advantage being particularly desirable in that, as described on page 1 of the specification, the card never leaves the possession of the user, and does not get accidentally left in the reading slot, nor does it ever get "eaten" in the slot.

At the same time, since cards can be stolen, the biometric scan may be easily and automatically taken at the machine without inconvenience, or even awareness by the player, particularly if a face scan is used. Turning to Walker et al., Orus et al., and Raven et al., there is no teaching of this double collection of data to provide both convenience and security to the player and to the casino. Indeed, Walker clearly teaches away from this concept by indicating in the text quoted above that the device for measuring player biometrics is a substitute for a player identification card.

Claim 3, and new claim 32 each add a claim limitation which calls for an added step: the physical actuation (in claim 3) or the manual actuation (in claim 32) of the gaming machine as a separate step to activate the machine. As stated in claim 32, the machine is thus actuated "... to accept non-contact electronic data transmission . . .". As previously stated, and as described in the specification, this separate actuation as an early step in the claimed method eliminates the accidental actuation of the machine because a player with a non-contact card is walking by the machine or inspecting it, without intending to play. Thus, by this invention, a simple, deliberate actuation step on the part of the player is required in order to put the machine in a condition to accept the data from the non-contact card and otherwise to initiate the gaming process.

It is submitted that none of the references cited by the examiner call for such a deliberate, physical or manual actuation step prior to use of a non-contact gaming card with a gaming machine by a player, and followed by a biometric scan.

As such, it is submitted that claims 31, 32, and their dependent claims, are patentable.

It should be noted that the dependent claims 34-40 are similar in language to previous dependent claims presently pending in this application. Claims 41 and 42 are also clearly supported

In view of the above, allowance of the claims is respectfully requested.

Respectfully submitted,

SEYFARTH SHAW LLP



Garrettson Ellis
Registration No. 22,792
Attorney for Applicant

SEYFARTH SHAW LLP
55 East Monroe Street, Suite 4200
Chicago, Illinois 60603
(312) 269-8567

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Aug. 18, 2004.



Registered Attorney for Applicant
Date: Aug. 18, 2004